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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 **STRIKE 3 HOLDINGS, LLC.**

11 Plaintiff,

12 vs.

13 John Doe subscriber assigned IP
14 address 72.134.187.60

15 Defendants.

No. 2:23-cv-02868-TJH-SP

**ANSWER AND AFFIRMATIVE
DEFENSES TO FIRST AMENDED
COMPLAINT**

16 John Defendant IP address 72.134.187.60 ("Defendant") hereby submits this
17 Answer to the first amended complaint filed by STRIKE 3 HOLDINGS, LLC. In
18 response to the Complaint, defendants answer as follows:

19 1. Denied

20 2. Defendant lacks sufficient knowledge and on that basis denies the
21 allegations in Paragraph 2.

22 3. Defendant lacks sufficient knowledge and on that basis denies the
23 allegations in Paragraph 3.

24 4. Denied

25 5. Denied
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27
28

1 6. Denied

2 7. Admit

3 8. Admit

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5 9. Defendant admits to personal jurisdiction of this court, but denies
6 infringement and lacks sufficient knowledge as to the remaining
7 allegations, and on that basis denies the allegations in paragraph 9 and
8 denies liability for copyright infringement.

9
10 10. Defendant admits venue is proper.

11
12 11. Defendant lacks sufficient knowledge and on that basis denies the
13 allegations in Paragraph 11.

14 12. Admit.

15
16 13. Defendant lacks sufficient knowledge following reasonable inquiry and on
17 that basis denies the allegations in Paragraph 13.

18
19 14. Defendant lacks sufficient knowledge as to awards won and on that basis
20 denies the allegations in paragraph 14.

21 15. Defendant denies Plaintiff's pornographic movies have a positive global
22 impact on society or the industry.

23
24 16. Defendant lacks sufficient knowledge and on that basis denies the
25 allegation in paragraph 16.

26
27 17. Defendant lacks sufficient knowledge and on that basis denies the
28 allegation in paragraph 17.

1 18.Defendant lacks sufficient knowledge and on that basis denies the
2 allegation in paragraph 18.

3
4 19.Defendant lacks sufficient knowledge and on that basis denies the
5 allegation in paragraph 19.

6
7 20.Defendant lacks sufficient knowledge and on that basis denies the
8 allegation in paragraph 20.

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10 21.Defendant lacks sufficient knowledge and on that basis denies the
11 allegation in paragraph 21.

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13 22.Defendant lacks sufficient knowledge and on that basis denies the
14 allegation in paragraph 22.

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16 23.Defendant lacks sufficient knowledge and on that basis denies the
17 allegation in paragraph 23.

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19 24.Defendant lacks sufficient knowledge and on that basis denies the
20 allegations in Paragraph 24.

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22 25.Defendant lacks sufficient knowledge and on that basis denies the
23 allegation in paragraph 25.

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25 26.Defendant lacks sufficient knowledge and on that basis denies the
26 allegation in paragraph 26.

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28 27.Defendant lacks sufficient knowledge and on that basis denies the
allegation in paragraph 27.

28 28.Defendant lacks sufficient knowledge and on that basis denies the

1 allegation in paragraph 28.

2 29.Defendant lacks sufficient knowledge and on that basis denies the
3 allegation in paragraph 29.
4

5 30.Defendant lacks sufficient knowledge and on that basis denies the
6 allegation in paragraph 30.
7

8 31.Defendant lacks sufficient knowledge following reasonable inquiry and on
9 that basis denies the allegations in Paragraph 31.

10 32.Defendant lacks sufficient knowledge following and on that basis denies
11 the allegations in Paragraph 32.
12

13 33.Defendant lacks sufficient knowledge and on that basis denies the
14 allegation in paragraph 33.
15

16 34.Defendant lacks sufficient knowledge and on that basis denies the
17 allegations in Paragraph 34.

18 35.Defendant lacks sufficient knowledge and on that basis denies the
19 allegations in Paragraph 35.
20

21 36.Defendant lacks sufficient knowledge and on that basis denies the
22 allegation in paragraph 36.
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24 37.Defendant lacks sufficient knowledge and on that basis denies the
25 allegation in paragraph 37.

26 38.Defendant lacks sufficient knowledge and on that basis denies the
27 allegations in Paragraph 38.
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1 39. Defendant lacks sufficient knowledge and on that basis denies the
2 allegations in Paragraph 39.

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4 40. Defendant lacks sufficient knowledge and on that basis denies the
5 allegations in Paragraph 40.

6 41. Defendant lacks sufficient knowledge following reasonable inquiry and on
7 that basis denies the allegations in Paragraph 41.

8
9 42. Defendant lacks sufficient knowledge following reasonable inquiry and on
10 that basis denies the allegations in Paragraph 42.

11
12 43. Denied

13 44. Denied

14 45. Defendant lacks sufficient knowledge and on that basis denies the
15 allegations in Paragraph 45.

16
17 46. Admit Plaintiff is seeking damages, but deny they are entitled to such.

18 47. Defendant lacks sufficient knowledge and on that basis denies the
19 allegations in Paragraph 47.

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21 48. Defendant lacks sufficient knowledge and on that basis denies the
22 allegations in Paragraph 48.

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24 49. Defendant lacks sufficient knowledge and on that basis denies the
25 allegations in Paragraph 49.

26 50. Defendant lacks sufficient knowledge and on that basis denies the
27 allegations in Paragraph 50.
28

1 51.Defendant lacks sufficient knowledge and on that basis denies the
2 allegations in Paragraph 51.

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4 52.Defendant lacks sufficient knowledge and on that basis denies the
5 allegations in Paragraph 52.

6 53.Admit

7
8 54.Defendant lacks sufficient knowledge and on that basis denies the
9 allegations in Paragraph 54.

10 55.Defendant lacks sufficient knowledge and on that basis denies the
11 allegations in Paragraph 55 and denies infringement.

12
13 56.Defendant lacks sufficient knowledge and on that basis denies the
14 allegations in Paragraph 56.

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16 57.Defendant lacks sufficient knowledge and on that basis denies the
17 allegations in Paragraph 57.

18 58.Defendant lacks sufficient knowledge and on that basis denies the
19 allegations in Paragraph 58.

20
21 59.Defendant lacks sufficient knowledge and on that basis denies the
22 allegations in Paragraph 59.

23
24 60.Denied

25 61.Defendant lacks sufficient knowledge and on that basis denies the
26 allegations in Paragraph 61.

27
28 62.Denied.

1 63. Defendant lacks sufficient knowledge and on that basis denies the
2 allegations in Paragraph 63.

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4 64. Defendant lacks sufficient knowledge and on that basis denies the
5 allegations in Paragraph 64.

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7 65. Defendant lacks sufficient knowledge and on that basis denies the
8 allegations in Paragraph 65.

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10 66. Defendant lacks sufficient knowledge and on that basis denies the
11 allegations in Paragraph 66.

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13 67. Defendant lacks sufficient knowledge and on that basis denies the
14 allegations in Paragraph 67.

15 68. N/A

16
17 69. Defendant lacks sufficient knowledge and on that basis denies the
18 allegations in Paragraph 69.

19 70. Denied.

20 71. Denied

21
22 72. Defendant lacks sufficient knowledge and on that basis denies the
23 allegations in Paragraph 71 and items (A)-(E).

24 73. Denied

25 74. Denied as to all allegations in paragraph 65 including (A) – (D).

26 PRAYER FOR RELIEF – Defendant denies liability and denies that Plaintiff is
27 entitled to any relief including all requests made in paragraph 73 (A)-(F).
28

1 Further, Defendant asserts the following affirmative defenses:

2 **FIRST AFFIRMATIVE DEFENSE**

3 **(Failure to Mitigate Damages)**

4 1. Plaintiff failed to mitigate the damages alleged in the Complaint.
5 Defendant alleges that Strike 3 Holdings learns of infringements and instead of
6 taking immediate action to prevent further alleged infringements, it lets them pile up
7 so they can reach at least a movie count of 20 or more. This is a continuing threat as
8 they are on information and belief, able to continue monitoring the alleged
9 infringing IP address from the date of the first downloaded movie. The plan is to
10 rack up damages, not to prevent them.

11 **SECOND AFFIRMATIVE DEFENSE**

12 **(Consent)**

13 2. Defendants are informed and believe and thereon allege that plaintiff
14 authorizes and consents to their movies being downloaded and shared by others as
15 they are routinely offered for FREE on various porn tube sites and as such, they
16 understand that people will share their clips on a BitTorrent application and by their
17 actions consent to this.

18 WHEREFORE, Defendants pray for judgment as follows:

- 19 1. For judgment in favor of defendants and against plaintiff, dismissing
20 plaintiff's Complaint with prejudice;
- 21 2. For all costs incurred herein;
- 22 3. For attorney's fees when Plaintiff dismisses their case (and declaratory
23 judgment that Defendant was a *non-infringer* and the *prevailing party* to the
24 copyright action);
- 25 4. For such further relief as the Court in its discretion deems just,
26 equitable and proper.
- 27 5. Defendant requests a bench trial.
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RESPECTFULLY SUBMITTED

DATED this 17th day of November, 2023.

**THE LAW OFFICES OF STEVEN VONDRAN,
P.C.**

By /s/ Steve Vondran
Steven C. Vondran, Esq.
Attorneys for IP 72.134.187.60

CERTIFICATE OF SERVICE

ORIGINAL of the foregoing *e-filed* this
17th day of November 2023, to all registered ECF users:

Law Offices of Lincoln Bandlow, P.C.
1801 Century Park E. Suite 2400
Los Angeles, California 90067
Attn: Lincoln Dee Bandlow, Esq.
Email: lincoln@bandlowlaw.com

I declare the foregoing to be true and correct under the laws of perjury of the
United States of America. Executed on November 17th, 2023, at Phoenix, AZ

By: /s/ Lisa Vondran
Lisa Vondran, Assistant